

ESTTA Tracking number: **ESTTA352696**

Filing date: **06/14/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052429
Party	Defendant MASTERCHEM INDUSTRIES, LLC
Correspondence Address	MASTERCHEM INDUSTRIES, LLC 3135 HWY., M IMPERIAL, MO 63052 UNITED STATES
Submission	Answer
Filer's Name	Leon E. Redman
Filer's e-mail	LREDMAN@brookskushman.com, EJBROOKS@brookskushman.com, LSCOTT@brookskushman.com, CCARSWELL@brookskushman.com
Signature	/Leon E. Redman/
Date	06/14/2010
Attachments	Answer to Cancellation Ducksback.pdf ( 4 pages )(72512 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

DUCKBACK ACQUISITION CORP.,	)	Cancellation No. 92052429
Petitioner,	)	
v.	)	
	)	Reg. Nos. 1,624,325, 1,685,910,
	)	1,790,047
MASTERCHEM INDUSTRIES LLC,	)	
	)	
Registrant.	)	Atty. Docket No.: MASMT0102OC

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Sir:

The Registrant, Masterchem Industries LLC (“Registrant”), files this Answer to the  
Petition for Cancellation filed by Duckback Acquisition Corp. (“Petitioner”) as follows:

**ANSWER TO PETITION FOR CANCELLATION**

1. Registrant is without sufficient information to admit or deny the allegations  
of paragraph 1 and leaves Petitioner to its proofs.
2. Registrant is without sufficient information to admit or deny the allegations  
of paragraph 3 and leaves Petitioner to its proofs.
3. Paragraph 3 is admitted.
4. Paragraph 4 is denied.
5. Paragraph 5 is denied.

6. Registrant admits that it uses the mark CURECOAT for chemical water proofing preparations and paint sealers for use on concrete, masonry, and other porous surfaces; and uses the mark NATUREGUARD for chemical waterproofing preparations for use on wood, and on wood stains and sealers. Since the remainder of the allegations of Paragraph 6 is unclear, Registrant denies the remainder of the allegations of Paragraph 6 and leaves Petitioner to it proofs.

7. Paragraph 7 is denied.

8. Paragraph 8 is denied.

Registrant reserves the right to amend its Answer and to assert additional defenses upon disclosure of facts revealed in discovery.

WHEREFORE, Registrant requests that Cancellation Action 92052429 be dismissed with prejudice and Registration Nos. 1,624,325, 1,685,910 and 1,790,047 remain intact.

Respectfully submitted,

By: /Leon E. Redman/  
Leon E. Redman  
Chanille B. Carswell  
Attorneys for Applicant  
Masterchem Industries LLC

Date: June 14, 2010

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Phone: 248-358-4400  
Fax: 248-358-3351

**CERTIFICATE OF FILING**

I hereby declare that the foregoing document has been filed via the Electronic System for Trademark Trials and Appeals (ESTTA) this 14th day of June, 2010.

/Leon E. Redman/

**CERTIFICATE OF SERVICE**

I certify that I served:

**REGISTRANT'S ANSWER TO PETITION FOR CANCELLATION**

on **June 14, 2010** by:

✓ delivering (via First-Class U.S. Mail)

a copy to:

John R. Posthumus, Esq.  
SHERIDAN ROSS P.C.  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141

*Attorney for Petitioner Duckback Acquisition Corp.*

/Leon E. Redman/